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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AMENDMENT

231F
DP
12-8-03
Feek

APPLICANT: Smith
SERIAL NO.: 09/510,087
FILED: October 26, 2001
TITLE: "A MARKING DEVICE, A METHOD OF USING THE SAME AND AN ACCESSORY KIT FOR THE MARKING DEVICE"

DOCKET NO.: EVS-P-99-017
GROUP ART UNIT: 3751
EXAMINER: D. Walczak

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

In response to the Office Action dated June 23, 2003, please amend the above-identified application as follows:

IN THE SPECIFICATION:

On page 9, please replace the first full paragraph with the following:

The sheath 60 may be a rectangular piece of material when laid on a flat surface but may wrap around the barrel 52 of the marking device 50 to be fixed in place by the bands 64. When placed around the barrel 52, the sheath 60 may partially cover the barrel 52. Moreover, when placed around the barrel 52, the sheath 60 may form the split 62 between two ends of the sheath 60. Alternatively, the two ends of the sheath 60 may overlap (not shown).

IN THE CLAIMS:

Claim 1 (withdrawn): A marking device comprising:

a barrel having a body defined between a first end and a

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